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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Ralph A. Dowell of DOWELL & DOWELL P.C.  
2111 Eisenhower Ave.  
Suite 406  
Alexandria, VA 22314

EXAMINER

DUONG, DUC T

ART UNIT PAPER NUMBER

2663

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/976,504	<b>Applicant(s)</b> PARRUCK ET AL.	
	<b>Examiner</b> Duc T. Duong	<b>Art Unit</b> 2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-28 and 45-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 53-57 is/are allowed.
- 6) ☒ Claim(s) 25 is/are rejected.
- 7) ☒ Claim(s) 26-28 and 45-52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/12/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by Kao et al (US Patent 6,535,513 B1).

Regarding to claim 25, Kao discloses a system adapted for coupling to a switch fabric 208 (fig. 2) and a central processor 426 (fig. 4), the system comprising a first integrated circuit 424A connecting to a first bus interface 402, a second bus interface 306A, and a control interface 414, a data path 410 extending from the first bus interface 402, through segmentation circuitry 422 on the first integrated circuit 424A, through reassembly circuitry 422 on the first integrated circuit 424A, and to the second bus interface 306A (fig. 4 col. 5 lines 21-44); a second integrated circuit 424B that is

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substantially structurally identical to the first integrated circuit 424A, the second integrated circuit 424B connecting to a first bus interface 402, a second bus interface 306B, and a control interface 416, the second integrated circuit 424B having a data path 410 extending from the first bus interface 402, through segmentation circuitry 422 on the second integrated circuit 424B, through reassembly circuitry 422 on the second integrated circuit 424B, and to the second bus interface 306B (fig. 4 col. 5 lines 35-45); and a control integrated circuit 420 having a first control interface (implicitly shown) coupled to the control interface 414 of the first integrated circuit 424A, having a second control interface (implicitly shown) coupled to the control interface 416 of the second integrated circuit 424B, and having a third interface (implicitly shown) adapted for coupling to the central processor 426, the control integrated circuit 420 controlling a first flow of network information out of the first integrated circuit 424A, the first flow passing over the data path 410 of the first integrated circuit 424A, the control integrated circuit 420 controlling a second flow of network information out of the second integrated circuit 424B, the second flow passing over the data path 410 of the second integrated circuit 424B, wherein in operation either the first bus interface 402 of the first integrated circuit 424A and the first bus interface 402 of the second integrated circuit 424B are coupled to the switch fabric 208 or the second bus interface 306A of the first integrated circuit 424A and the second bus interface 306B of the second integrated circuit 424B are coupled to the switch fabric 206 (fig. 4 col. 6 lines 52-65; noted the control integrated circuit 420 generates a reset sequence halting the transmission of cells signal coming from the first

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424A and second 424B integrated circuit (control the flow of network information) when an overrun condition is detected).

***Allowable Subject Matter***

3. Claims 26-28 and 45-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 53-60 are allowed.


***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-F (9:00 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DD

  
RICKY NGO  
PRIMARY EXAMINER